

IN THE UNITED STATES COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



MICHELLE PENNINGTON and  
JARRETT PENNINGTON, a minor,  
by and through his natural parent and next friend,  
MICHELLE PENNINGTON

VS.

CIVIL ACTION NO. 3:17cv694 *WHB  
JCG*

PLAINTIFFS

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
and JOHN DOES A-E

DEFENDANTS

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COMPLAINT  
DEMAND FOR JURY TRIAL

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COME NOW, the Plaintiffs, Michelle Pennington and Jarrett Pennington, a minor, by and through his natural mother and next of friend, Michele Pennington, by and through counsel, and files this their Complaint, and for cause would show unto this Court the following, to wit:

PARTIES

1.

Plaintiff, Michelle Pennington, is an adult resident of Rankin County, Mississippi.

2.

Plaintiff, Jarrett Pennington, natural child and is a minor resident of Rankin County, Mississippi, and hereby files suit by and through his natural parent and next friend, Michelle Pennington.

3.

Defendant, State Farm Mutual Automobile Insurance Company (hereinafter "State Farm"), is an insurance company organized under the laws of the State of Illinois, with its headquarters located at One State Farm Plaza, Bloomington, Illinois 61710-0001, and licensed to do business in the State of Mississippi on September 1, 1928, and may be served with process of this Court through its registered agent, United States Corporation Company, at the address of 5760 I-North, Suite 150, Jackson, Mississippi 39211. Plaintiff respectfully requests that process be returned to Plaintiff's counsel for private process service on this Defendant.

4.

Defendants JOHN DOES A, B, C, D and E are fictitious entities having liability for the injury and damages described herein, alter egos of the names Defendant(s) or other insurance carriers providing indemnity for the claim herein, reasonably believed to be residents or entities of Mississippi, who will be named when identified with specificity.

**JURISDICTION AND VENUE**

5.

The parties are of diverse citizenship and the amount in controversy well exceeds \$75,000.00, exclusive of interest and cost. This Court has jurisdiction over the parties and subject matter pursuant to 28 U.S.C. §1332. Therefore, this Court has diversity-of-citizenship jurisdiction.

## FACTS

6.

On or about August 26, 2014, Plaintiff Michelle Pennington was driving a Honda Accord in an easterly direction on John-Mayton Road in Pelahatchie, Mississippi. Michelle's natural son, Jarrett Pennington, a minor, was a passenger in the vehicle at that time. As a direct, sole proximately result sole result of the negligence of Andrew Jeffcoat, a collision occurred, which injured the Plaintiffs. At the time of the subject accident, Plaintiffs, were in a vehicle owned by Michelle Pennington, and insured by Defendant State Farm Mutual Automobile Insurance Company.

7.

At the time of the subject accident, Andrew Jeffcoat was uninsured.

**COUNT I**  
**UNINSURED/UNDERINSURED MOTORIST CLAIM AGAINST**  
**STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**

8.

Plaintiff re-aver those facts and allegations contained in all paragraphs contained herein as may be applicable.

9.

At the time of the subject accident, Plaintiffs were in a vehicle owned by Michelle Pennington and insured by Defendant State Farm. Plaintiffs are therefore an insured under any and all uninsured/underinsured motorist policies written by Defendant State Farm that were in effect at the time of the subject motor vehicle accident for said vehicle and in effect for all other vehicles owned by Michelle Pennington. Said policies had limits of uninsured/underinsured motorist coverage which are unknown to the Plaintiffs, as such documents are written the exclusive custody and control

of National Fire.

**10.**

Plaintiff is entitled to recover from said uninsured/underinsured motorists carrier(s), up to the applicable policy limits, all of those amounts they would be entitled to recover from the tortfeasor for damages sustained as a proximate result of the accident described herein.

**11.**

The Plaintiffs are entitled to aggregate, or "stack", all the applicable uninsured/underinsured motorist policies described herein. The exact number of said policies or amount of said policies are not known to the Plaintiffs. Documentation of said policies is within the exclusive custody, possession and control of the Defendant insurance company(ies).

**DAMAGES**

**12.**

As a proximate result of the negligence alleged herein, Plaintiffs have suffered damages, including, but not limited to, accrued medical expenses, future medical expenses, past and future pain, suffering and mental anguish, future lost earnings, permanent physical impairment, permanent disfigurement, future travel expenses and other damages to be proven at trial.

**13.**

Plaintiffs reasonably anticipates future damages including, but not limited to, future medical expenses, future pain, suffering and mental anguish, future lost earnings, permanent physical impairment, permanent disfigurement, future travel expenses and other damages.

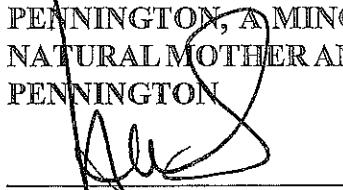
**WHEREFORE**, Plaintiffs, Michelle Pennington and Jarrett Pennington, a minor, by and through his natural mother and next of friend, Michele Pennington, request this Honorable Court

award damages as against this Defendant, State Farm Mutual Automobile Insurance Company, to Plaintiffs for accrued and future medical expenses, past and future pain, suffering and mental anguish, past and future lost earnings, permanent physical impairment, permanent disfigurement, past and future travel expenses and all other damages to be proven at trial, in an amount to be determined by a jury, reasonably believed to be in excess of this Court's jurisdictional minimum.

Further, Plaintiff prays for general relief.

This the 22<sup>nd</sup> day of August, 2017.

MICHELLE PENNINGTON AND JARRETT  
PENNINGTON, A MINOR, BY AND THROUGH HIS  
NATURAL MOTHER AND NEXT FRIEND, MICHELE  
PENNINGTON

BY:   
**LANCE STEVENS**  
**COUNSEL FOR THE PLAINTIFF**

**COUNSEL FOR MICHELLE PENNINGTON AND JARRETT PENNINGTON, A MINOR,  
BY AND THROUGH HIS NATURAL MOTHER AND NEXT FRIEND, MICHELE  
PENNINGTON, PLAINTIFFS**

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